



PATENT

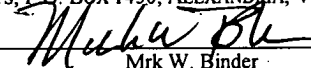
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gregory H. Lambrecht et al..
Serial No.: 10/787,057
Filed: February 25, 2004
For: CARDIAC VALVE
PROCEDURE METHODS
AND DEVICES

Examiner: Stroud, Jonathan R.
Group Art Unit: 3709
Docket No. VIA-3 CON
(MTI0900/US/2)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I CERTIFY THAT ON Dec. 11, 2007, THIS
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Mrk W. Binder

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

This communication is submitted in response to the Office Action mailed September 11, 2007, requiring restriction of certain species of the claimed invention. Specifically, the Examiner has divided the currently pending apparatus claims into Group I, Species A, directed to combined valve and filter deployment system, drawn to Figures 6, 7A-7D; Group I, Species B, directed to combined valve and filter deployment system II, drawn to Figures 8A and 8B; Group I, Species C, directed to combined valve and filter deployment system III, drawn to Figures 9A and 9B; Group I, Species D, directed to combined valve and filter deployment system IV, drawn to Figures 10A and 10B; and Group I, Species E, directed to combined valve and filter deployment system, drawn to Figures 11A and 11B; and the following subspecies into Group II, Species A, directed to temporary filter, drawn to Figures 1A-1F; Group II, Species B, directed to temporary filter, drawn to Figures 2A-2C; Group III, Species A, directed to valve 111, drawn to paragraph [0105]; Group IV, Species B, directed to valve 111, drawn to paragraph [0106]; Group IV, Species A, directed to valve assembly 100, drawn to paragraph [0101]; and Group V, Species B, directed to valve assembly 100, drawn to paragraph [0102].

The Examiner has divided the currently pending method claims into Group I, Species A, directed to method of surgery, drawn to Figure 18; Group I, Species B, directed to method of surgery II, drawn to Figure 19; and Group I, Species C, directed to method of surgery III, drawn to Figure 24 and the following subspecies into Group II, Species A, directed to method of using

the valve described in Figures 12-14, drawn to paragraph [0107]; Group II, Species B, directed to method of using the valve described in Figures 12-14 II, drawn to paragraph [0108]; and Group II, Species C, directed to method of using the valve described in Figures 12-14 III, drawn to paragraph [0109].

According to the manner of Groupings identified by the Examiner, it is believed that the Examiner is also restricting the application between the Apparatus claims and Method claims as a precursor to an election of a species within either the Apparatus or Method claims. It is submitted that the manner of identifying apparatus and method aspects of the subject application and in attempting to identify subspecies not only by different figures but also by paragraphs of the subject specification is confusing at best. As such, it is requested that the Examiner reconsider and withdrawal the election requirement as set out.

As best understood, Applicants hereby elect to prosecute the method claims of Group I, Species C, a method of surgery related to Fig. 24. Further, Applicants elect subspecies identified as Group II, Species C as directed to the description in Paragraph 107 of the publication of the subject application. This election is made without traverse.

It is submitted that method claims 1, 2, 10, 11, and 27-37 are readable on the elected Species. At least claim 2 is generic to any of the subspecies identified as Group II, Species A, B, or C. Examination is requested on each of claims 1, 2, 10, 11, and 27-37, but given the confusing nature of the subject election of species, Applicants further note that examination of method claim 2 and all other related claims is desired.